

Senate File 2309

S-5033

1 Amend Senate File 2309 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. NEW SECTION. 137D.2A Raw milk, raw milk  
4 products, and raw milk dairy products.

5 A home bakery shall not advertise for sale, offer for sale,  
6 sell or otherwise distribute, or use raw milk, a raw milk  
7 product, or a raw milk dairy product as provided in section  
8 192.145.

9 Sec. \_\_\_\_\_. Section 137F.1, subsection 8, Code 2022, is  
10 amended by adding the following new paragraph:

11 NEW PARAGRAPH. o. (1) The premises of a dairy farm  
12 where raw milk is produced, processed, labeled, marketed, or  
13 distributed by a milk producer in compliance with section  
14 192.145.

15 (2) The premises of a dairy farm where a raw milk product or  
16 a raw milk dairy product is manufactured, labeled, marketed,  
17 or distributed by a milk producer in compliance with section  
18 192.145.

19 Sec. \_\_\_\_\_. Section 137F.1, subsection 9, Code 2022, is  
20 amended by adding the following new paragraph:

21 NEW PARAGRAPH. d. (1) The premises of a dairy farm  
22 where raw milk is produced, processed, labeled, marketed, or  
23 distributed in compliance with section 192.145.

24 (2) A premises of a dairy farm where a raw milk product or  
25 raw milk dairy product is manufactured, labeled, marketed, or  
26 distributed in compliance with section 192.145.

27 Sec. \_\_\_\_\_. NEW SECTION. 137F.8B Raw milk, raw milk products,  
28 and raw milk dairy products.

29 A food establishment or farmers market shall not advertise  
30 for sale, offer for sale, sell or otherwise distribute, or use  
31 raw milk, a raw milk product, or a raw milk dairy product,  
32 regardless of whether the food establishment or farmers market  
33 is regulated by the department under this chapter or another  
34 chapter, another state agency, or a municipality.>

35 2. Page 1, by striking lines 8 through 10 and inserting:

1     <a. The production, processing, labeling, marketing, and  
2 distribution of raw milk by a milk producer in compliance with  
3 section 192.145.>

4     3. Page 1, by striking lines 11 through 13 and inserting:

5     <b. The manufacture, labeling, marketing, and distribution  
6 of a raw milk product or raw milk dairy product by a milk  
7 producer in>

8     4. By striking page 2, line 34, through page 3, line 1, and  
9 inserting:

10     <NEW SUBSECTION. 5A. Raw milk, raw milk products, and raw  
11 milk dairy products. A container holding raw milk, a raw milk  
12 product, or a raw milk dairy product sold by a milk producer  
13 shall be labeled as required in>

14     5. Page 3, by striking line 4 and inserting <raw milk, raw  
15 milk products, and raw milk dairy products.>

16     6. Page 3, by striking lines 5 through 10 and inserting:

17     <1. A milk producer who sells raw milk, a raw milk product,  
18 or a raw milk dairy product to an individual in compliance with  
19 section 192.145 shall label the container holding the raw milk,  
20 raw milk product, or raw milk dairy product. The label shall  
21 be permanently affixed to the>

22     7. Page 3, line 15, by striking <unpasteurized> and  
23 inserting <raw>

24     8. Page 3, line 21, by striking <milk product or> and  
25 inserting <raw milk product or raw milk>

26     9. Page 3, line 24, before <dairy> by inserting <raw milk>

27     10. Page 3, line 25, by striking <includes raw milk> and  
28 inserting <is>

29     11. Page 4, lines 3 and 4, by striking <sell milk or a  
30 milk product> and inserting <distribute raw milk, a raw milk  
31 product, or a raw milk dairy product>

32     12. Page 4, after line 27 by inserting:

33     <\_\_\_. "Milk producer" means a person who owns or operates  
34 a dairy farm where raw milk is produced from one or more cows,  
35 sheep, or goats.

1 \_\_\_\_\_. "*Raw milk*" means milk that is not pasteurized or  
2 graded.

3 \_\_\_\_\_. "*Raw milk dairy product*" means a dairy product that  
4 includes raw milk or a raw milk product.

5 \_\_\_\_\_. "*Raw milk product*" means a milk product that includes  
6 raw milk.>

7 13. Page 4, line 29, by striking <and marketing> and  
8 inserting <marketing, and distribution>

9 14. By striking page 4, line 30, through page 5, line 22,  
10 and inserting:

11 <1. A milk producer may elect to process, market, or  
12 distribute raw milk produced at that milk producer's dairy  
13 farm. To the extent that the milk producer makes this  
14 election, all of the following apply:

15 a. A milk producer must only take an order for the  
16 distribution of raw milk at the milk producer's dairy farm  
17 where the raw milk was produced. The milk producer must  
18 only distribute the raw milk to the individual placing the  
19 order. The milk producer may distribute the raw milk to the  
20 individual without charge or on a retail basis. A person shall  
21 not resell the raw milk. The milk producer must distribute  
22 the raw milk directly to the individual at the dairy farm or  
23 to a location specified by the individual. However, a person  
24 shall not deliver the raw milk to a place of business where  
25 food items are distributed on a retail basis, including but  
26 not limited to a home bakery regulated under chapter 137D or a  
27 food establishment or farmers market regulated under chapter  
28 137F. The raw milk shall only be used for consumption by the  
29 individual, members of the individual's household, and the  
30 individual's nonpaying guests or nonpaying employees.

31 b. If the milk producer sells raw milk in a container, that  
32 container shall be labeled as provided in section 191.9A.

33 2. A milk producer may elect to manufacture, market, or  
34 distribute a raw milk product or raw milk dairy product at  
35 that milk producer's dairy farm. To the extent that the milk

1 producer makes this election, all of the following apply:  
2     *a.* The raw milk product or raw milk dairy product must only  
3 include raw milk produced at the milk producer's dairy farm.  
4     *b.* A milk producer must only take an order for the  
5 distribution of a raw milk product or raw milk dairy product  
6 at the milk producer's dairy farm where the raw milk product  
7 or raw milk dairy product was manufactured. The milk producer  
8 must only distribute the raw milk product or raw milk dairy  
9 product to the individual placing the order. The milk producer  
10 may distribute the raw milk product or raw milk dairy product  
11 to the individual without charge or on a retail basis. A  
12 person shall not resell the raw milk product or raw milk dairy  
13 product. The milk producer must distribute the raw milk  
14 product or raw milk dairy product directly to the individual at  
15 the dairy farm or to a location specified by the individual.  
16 However, a person shall not deliver the raw milk product or  
17 raw milk dairy product to a place of business where food  
18 items are distributed on a retail basis, including but not  
19 limited to a home bakery regulated under chapter 137D or a food  
20 establishment or farmers market regulated under chapter 137F.  
21 The raw milk product or raw milk dairy product shall only be  
22 distributed for consumption by the individual, members of the  
23 individual's household, or the individual's nonpaying guests  
24 or nonpaying employees.  
25     *c.* If the milk producer sells a raw milk product or raw milk  
26 dairy product in a container, that container shall be labeled  
27 as provided in section 191.9A.  
28     3. This section does not prevent a milk producer from also  
29 electing to produce and sell milk under the other applicable  
30 provisions of this chapter and related provisions in chapters  
31 190 and 194. This chapter does not apply to a receiving  
32 station, transfer station, milk handler, milk grader, or  
33 milk plant. A dairy farm is not a food establishment, food  
34 processing plant, or other person regulated under chapter 137F  
35 or other chapter regulating such entities.>

- 1 15. Page 5, line 23, by striking <3.> and inserting <4.>
- 2 16. Page 5, line 27, after <194.> by inserting <The  
3 department shall not adopt rules to administer or enforce this  
4 section.>
- 5 17. Page 5, line 29, by striking <and marketing> and  
6 inserting <marketing, and distribution>
- 7 18. Page 5, by striking lines 31 and 32 and inserting:  
8 <1. The production, processing, marketing, and distribution  
9 of raw milk, if the raw milk is produced by a milk producer in>  
10 19. By striking page 5, line 34, through page 6, line 1, and  
11 inserting:  
12 <2. The manufacture, marketing, and distribution of a raw  
13 milk product or raw milk dairy product, if the raw milk product  
14 or raw milk dairy product is manufactured by a milk producer in  
15 compliance with section>
- 16 20. Title page, line 4, by striking <unpasteurized and  
17 ungraded milk and> and inserting <raw milk and associated>
- 18 21. By renumbering, redesignating, and correcting internal  
19 references as necessary.

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JASON SCHULTZ